



# U.S. DEPARTMENT of STATE

## Dominica

### Country Reports on Human Rights Practices - [2004](#)

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Dominica is a multiparty, parliamentary democracy governed by a prime minister, a cabinet, and a unicameral legislative assembly. A president, nominated by the Prime Minister in consultation with the leader of the opposition party, and elected for a 5-year term by the Parliament, was head of state with largely ceremonial powers. Prime Minister Pierre Charles' Dominica Labour Party (DLP) prevailed in generally free and fair elections in 2000. Following the sudden death of Prime Minister Charles on January 6, Members of Parliament appointed Roosevelt Skerit as Prime Minister on January 8. The judiciary is independent.

The Office of the Prime Minister oversaw the Dominica Police, the country's only security force. The civilian authorities maintained effective control of the security forces. Some members of the security force committed human rights abuses.

The country has a primarily agrarian, market-based economy and a population of 70,400. The economy continued to depend heavily on earnings from the declining banana industry. The Government's efforts to market the island as an ecotourism destination produced mixed results, with increases in arrivals by cruise ship passengers but a drop in over-night stays. There was a high external debt and an unemployment rate of approximately 23 percent. Gross domestic product was estimated to increase by 1.1 percent and inflation was estimated to be 2.4 percent.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Prison conditions were poor; violence against women and children was a problem; and there were instances of discrimination against indigenous Carib Indians and societal discrimination against female Caribs in mixed marriages.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, but there were some complaints of use of excessive force by the police.

During the year, 13 cases of misconduct were brought against the police, of which 7 were for excessive force. By year's end, one case of excessive force was before a disciplinary tribunal, five were being investigated, and one was dropped for lack of evidence.

Of the 29 cases brought against the police in 2003, 19 were for excessive force. Ten cases of excessive force were brought before a disciplinary tribunal and 9 were dismissed.

Prison conditions were poor. The prison buildings were in disrepair, conditions remained unsanitary, and overcrowding was a serious problem. The State Prison held 290 prisoners in a facility designed for approximately 200.

Female prisoners were held separately from male prisoners, and juveniles were segregated from adult inmates. Pretrial detainees were held with convicted prisoners, due to overcrowding and a lack of sufficient holding cells.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The 408-officer police effectively carried out its responsibilities for public order. The police have a formal complaint procedure to handle allegations of excessive force or abuse by police officers. During the year, the police force received 13 complaints of abuse, of which 2 were referred to the Attorney General and 11 were handled internally.

The Constitution requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and bring the detainee to court within 72 hours. This requirement generally was honored in practice; however, if the authorities are unable to bring a detainee to court within the requisite period, the detainee could be released and rearrested later. There is a functioning system of bail. Criminal detainees were provided prompt access to counsel and family members.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is composed of a high court judge, 5 magistrates, and 10 magistrate courts located in police stations around the country. Appeals can be made to the Eastern Caribbean Supreme Court and to the Privy Council in the United Kingdom.

The law provides for public trial before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provided free legal counsel to the indigent only in capital cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Although churches are not required to register, they must do so to own property, and ministers of registered churches may have an easier time obtaining long-term work visas. The Church of Jesus Christ of Latter-day Saints reported difficulties receiving official government recognition. The Attorney General reportedly refused to register the church after receiving an unfavorable report on the matter from the Dominica Council of Churches. Despite evidence showing that the church was registered in other countries in the region, the issue was not resolved at year's end.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41757.htm).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not use it.

The Government has not formulated a policy regarding refugees or asylum. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but did not routinely grant refugee status or asylum.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections must be held at least every 5 years, although the Prime Minister can call elections at any time. The unicameral House of Assembly is composed of 21 parliamentary representatives and 9 senators. The representatives are elected by popular vote. The President appoints the senators; five senators are chosen with the advice of the Prime Minister and four with the advice of the opposition leader.

In January 2000, the DLP won 10 seats in generally free and fair elections, defeating the United Workers' Party. DLP leader Roosevelt P. "Rosie" Douglas forged a majority coalition and served as Prime Minister until his death in October 2000. Pierre Charles subsequently was appointed Prime Minister and served until his death on January 6. On January 8, Parliament appointed Roosevelt Skerit as the new Prime Minister. New elections should be held by July 2005.

Corruption was a moderate problem, although the country had not formulated an anti-corruption plan to address the problem.

The law does not provide for public access to government information, and the Government did not provide such access in practice.

There were 6 women in the 30-seat legislature: 2 elected parliamentary representatives and 4 senators appointed by the President. There were no women in the cabinet.

The Parliamentary Representative for Indigenous People was a Carib Indian; he served concurrently as the Prime Minister's Parliamentary Secretary with responsibility for Carib affairs.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominican National Council of Women, and a women's and children's self-help organization, operated freely and without government interference. There were no requests for investigations of human rights abuses from international or regional human rights groups.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution includes provisions against racial, sexual, and religious discrimination, which the authorities generally respected in practice.

##### Women

Domestic violence cases were common. There are no specific spousal abuse laws; however, women could bring charges against husbands for battery, and the police and the courts prosecuted cases of rape and sexual assault. Rape cases were handled solely by female police officers. The Department of Labor established a crisis response mechanism to assist women who were victims of domestic violence. The Welfare Department of the Ministry of Community Development assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reported all cases of abuse to the police.

The Protection Against Domestic Violence Act allows abused persons to appear before a magistrate without an attorney and request a protective order. The court also may order the alleged perpetrator to be removed from the home in order to allow the victims, usually women and children, to remain in the home while the matter is investigated. Police officers continued to receive training in dealing with domestic abuse cases. The Dominica National Council of Women, a nongovernmental organization, taught preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily and provided to approximately 150 persons. Due to a shortage of funding, the organization only could permit persons to stay at the shelter for several days at a time; however, if needed, further housing was provided in private homes for up to 3 weeks. The Catholic Church continued to be active in educating the public about domestic violence.

The law does not prohibit sexual harassment, and it remained a problem.

While there was little open discrimination against women, property ownership continued to be deeded to heads of households, who were usually males. When the male head of household dies without a will, the wife may not inherit or sell the property, although she may live in it and pass it to her children. The law establishes fixed pay rates for specific civil service jobs, regardless of gender. The Labor Department reported that many rural women found it difficult to meet basic needs, which partly resulted from continued declines in the banana export industry.

#### Children

The Government was committed to children's rights and welfare.

Primary education is compulsory, free, and universal through the age of 16. Approximately 90 percent of school-age children attended school.

Primary health care was available throughout the island, and boys and girls had equal access.

Child abuse continued to be a problem. During the year, the Welfare Department received reports of 114 cases of child abuse, including child sexual abuse and incest, compared with more than 200 in 2003. Enforcement of children's rights laws continued to be hampered by lack of staffing.

Although the maximum sentence for sexual molestation (rape, incest) is 25 years' imprisonment, the normal sentence given was 5 to 7 years except in the case of murder. The age of consent for sexual relations is 16 years.

#### Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. Persons convicted of trafficking are subject to a fine of \$37,500 (EC\$100,000) and/or up to 7 years in prison.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, there is no legal requirement mandating access to buildings for persons with disabilities. Labor laws permit authorization of employment to persons with disabilities for less than the minimum wage, to increase employment opportunities for such persons (see Section 6.e.).

#### Indigenous People

There was a significant Carib Indian population, estimated at 3,500 persons, most of whom lived on a 3,782-acre reservation. Despite having a representative in the Government, the Caribs believed that the Government could do more to protect their civil and political rights. Approximately 65 percent of the Carib population was between the ages of 18 and 35. There was a three-person police station on the reservation, generally staffed by Carib Indians. School, water, and health facilities on the reservation were rudimentary but similar to those available to other rural citizens; there were two primary schools and no secondary school on the reservation. Unemployment on the reservation generally was higher than in rest of the country, and average income was below the national average. The government-financed Carib Model Village to showcase Carib culture was still not formally open due to unresolved construction issues; however the buildings were complete and open to the public.

The Carib Act states that any child of a Carib Indian is also Carib. Non-Caribs may become Carib Indians if they are invited to live on the reservation and continuously do so for 12 years. Carib Indians over the age of 18 who reside there are eligible to vote for the Chief and 6 members of the Council of Advisors (they also are eligible to vote in national elections). Separate elections for council members and the Chief are held every 5 years. According to the Carib Act, the Council must meet once a month, determine the Chief's itinerary, and publish council meeting agendas in the government Gazette.

Reservation building permits may be obtained from the Carib Council and only were available to Carib Indians. Although the law permits Carib men and women married to non-Caribs to continue living on the reservation, in practice, Carib women married to non-Caribs had to move off the reservation. An estimated 25 percent of the Carib Indian population was believed to be in mixed marriages or relationships.

The law establishing the Carib reservation does not delineate clearly the reservation boundaries, and, despite government efforts to address this issue, Caribs continued to face increasing encroachment on their territory by farmers, particularly on the southern side of the reservation. Carib Indians also continued to report difficulties obtaining bank financing, particularly since reservation land was communal and therefore unavailable for use as collateral for loans.

#### Section 6 Worker Rights

#### a. The Right of Association

Workers exercised the legal right to organize and choose their representatives. Unions represented approximately one-third of the total work force; approximately half of government workers were unionized.

The law provides that employers must reinstate workers fired for union activities; however, unions were concerned that this law was not being honored. The National Workers Union and the Waterfront and Allied Workers Union pursued separate cases on behalf of shop stewards who, the unions alleged, were dismissed for union activities in 2003. These two cases remained unresolved at year's end.

#### b. The Right to Organize and Bargain Collectively

Unions have legally defined rights to organize workers and to bargain with employers. Workers exercised this right, particularly in the nonagricultural sectors of the economy, including in government service, and there also is recourse to mediation and arbitration by the Government. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. The banana, coconut, and citrus fruit industries as well as port services are deemed essential services, which effectively prohibits workers in these sectors from going on strike. The International Labor Organization (ILO) considered this definition overly broad and repeatedly urged the Government to redefine essential services as those whose interruption would endanger the life, personal safety, or health of the whole or part of the population, or in the case of an acute national crisis. The ILO noted that existing legislation made it possible to stop a strike by compulsory arbitration and empowered the Minister to refer disputes to compulsory arbitration if in his or her opinion it concerns serious issues. The Industrial Relations Advisory Board, which is composed of union members, government representatives, and private businessmen, advised the Minister of Labor to amend this legislation and remove the coconut and citrus industries from the definition of essential services.

In October, a court found in favor of the Government in the case brought forward by the Public Service Union (PSU) concerning the legality of government cost-cutting measures. The PSU appealed the decision to the Privy Council in London, and a decision was pending at year's end.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred. The ILO asked the Government to repeal the National Service Act, on the grounds that it is conducive to forced labor for economic development; however, the Government took no action on the request.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Although two acts prohibit employment of children, one act defines a "child" as under age 12 and the other under age 14. The Government defined 15 years as the minimum age for employment and enforced this standard in principle.

#### e. Acceptable Conditions of Work

The law sets minimum wages for various categories of workers, but these were last revised in 1989. The minimum wage rate for some categories of workers (e.g., household employees) was as low as \$0.37 (EC\$1.00) per hour if meals were included. However, minimum wages for most workers ranged from \$0.74 (EC\$2.00) per hour for tourist industry workers to \$1.11 (EC\$3.00) per hour for occupations such as shop clerks. Minimum wages were not sufficient to provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earned more than the legislated minimum wage for their category. By year's end, the Government still had not acted on the 1998 recommendations of the Minimum Wage Advisory Board to increase wage levels.

Labor laws provide that the Labor Commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate in order to enable that person to be employed gainfully.

The standard legal workweek is 40 hours in 5 days. The law provides overtime for work above the standard workweek; however, excessive overtime is not prohibited.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conduct health and safety inspections. The rarely used enforcement mechanism consists of inspections by the Department of Labor, which prescribe specific compliance measures, impose fines, and prosecute offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment.